

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA)	CRIM. NO. 08-50079-01
Plaintiff,)	
)	DEFENDANT GRAHAM'S
vs.)	MOTION TO FILE MOTIONS
)	PAST FILING DEADLINE
JOHN GRAHAM, a/k/a)	
JOHN BOY PATTON and)	
VINE RICHARD MARSHALL, a/k/a))	
RICHARD VINE MARSHALL, a/k/a))	
DICK MARSHALL)	
Defendant.)	

Defendant John Graham moves this Court for its Order permitting him to file motions past the motions filing date set in the Court's last scheduling order. Doc. 187.

At this juncture it is unclear whether Defendant Graham will be tried with Defendant Marshall. If he is not, Graham anticipates filing additional pretrial motions and motions in limine regarding statements Marshall allegedly made to government witnesses Chapman and Looking Cloud. Additional jury instructions may also be warranted if Graham and Marshall are not tried together.

Therefore, Graham asks that he be permitted to continue filing pretrial motions, motions in limine, and proposed jury instructions should a need arise.

Alternatively, he asks that new deadlines be set for the filing of pretrial motions, motions in limine, and jury instructions.

Dated May 11, 2009.

/s/ John R. Murphy

John R. Murphy
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served a true and correct copy of the foregoing document upon the person(s) herein next designated, on the date shown below by placing the same in the service indicated, addressed as follows:

MARTY J. JACKLEY
ROBERT A. MANDEL
DANA HANNA

- U.S. Mail, postage prepaid
- Hand Delivery
- Federal Express
- Facsimile at
- Electronic Case Filing

Dated May 11, 2009.

/s/ John R. Murphy

John R. Murphy